



The Consumer Advisory Committee A federal advisory committee to the

Federal Communications Commission

Consumer Advisory Committee of the Federal Communications Commission

## **RECOMMENDATION ON IMPROVING THE EFFECTIVENESS, RELEVANCE, AND VISIBILITY OF THE CONSUMER ADVISORY COMMITTEE**

The Consumer Advisory Committee (CAC) believes that the FCC should implement a number of new and changed procedures intended to increase the effectiveness, relevance, and visibility of the CAC. The CAC's specific recommendations are detailed below.

A threshold and overarching recommendation of the CAC is that the Commission should appoint a new Committee to continue the work of the current CAC and its predecessor, the Consumer/Disability Telecommunications Advisory Committee. We believe that the CAC provides an important forum in which critical issues facing consumers can be identified and considered. With members representing a very broad diversity of stakeholders and consumer interests, the CAC is able to provide to the FCC focused and timely advice and recommendations about the issues and questions that are of greatest concern to the citizens of our country. Because of its diversity and proactive efforts to identify specific obstacles and problems faced by users of communications, the CAC can provide a voice to segments of our population that may not always be well represented in the Washington policy making process. In light of these contributions, the CAC strongly recommends to the Commission that it continue its past practice of constituting a Consumer Advisory Committee as a federal advisory committee whose purpose is to "keep consumers in the picture" at the Federal Communications Commission.

Beyond the threshold question of whether to appoint a new CAC, however, the CAC does believe that there are important changes and improvements that can increase the value of the CAC to the Commission, and increase the ability of the CAC to effectively serve the interests of communications consumers in the United States. The CAC appreciates and applauds the significant efforts and contributions of the staff of the Consumer & Governmental Affairs Bureau (CGB) who assist the CAC in its operations, and our recommendations below are intended to supplement and compliment the vital work of the CGB.

Over the term of the current CAC, a number of members of the Committee have expressed uncertainty, concern, and at times frustration about the impact of the Committee's

work on the actions and decisions of the FCC. Among the concerns held by some or many of the CAC's members are:

- As a general matter, after the CAC adopts a recommendation to the Commission about a given topic or issue, the Committee receives little if any feedback or follow-up indicating whether the Commission or its staff understood the CAC's perspective, or whether the recommendation of the CAC received an appropriate level of attention within the FCC. Because of a lack of feedback, the CAC often does not know whether it should consider or draft additional or supplemental recommendations on the topic or issue raised in a prior recommendation.
- Neither the Committee nor the general public have an effective way to keep track of the CAC's recommendations and the on-going status of the FCC proceedings (if any) in which the recommendations were submitted. Although the CAC's website provides the text of the recommendations, a more robust site would be of greater use to the consumers who the CAC seeks to serve.
- Again, as a general matter, the CAC receives only minimal guidance or input from the Commission about what topics or areas are of pressing interest to the FCC. If the Commission confronts a new issue on which CAC input might be valuable, there is no routine mechanism for the Commission to invite or seek such input.

In light of these and other concerns, the CAC believes that the Commission should – for future CACs – implement a number of additional steps and procedures that we believe would increase the effectiveness, relevance, and visibility of the CAC. The CAC's specific recommendations are:

1. **Enhance the CAC Website.** Working together, the CAC and the CGB should develop an enhanced website to provide both CAC members and the public with more information about the work of the CAC, and the status of the recommendations made by the CAC. A significant amount of information is already collected by the CGB in order to comply with the Federal Advisory Committee Act. This data and additional information could be provided on the CAC website (and in reports to CAC members) on a more timely basis. Although the precise elements of information should be determined in consultation between the CAC and the CGB, the information provided on each CAC recommendation, at a minimum, should include:
  - Date of recommendation
  - General topic area of recommendation
  - Brief summary of recommendation
  - Links to the full text of the recommendation
  - Initial disposition of recommendation (e.g., filed in a certain proceeding, or transmitted to a certain FCC bureau or staff member)
  - Links to the FCC's Electronic Comment Filing System (ECFS) or other FCC resource pertaining to the proceeding
  - Status of proceeding in terms of the ex parte rules

- Brief summary of the proceeding at the time the recommendation was filed in the proceeding
- A statement of the current status of the recommendation and/or proceeding in which the recommendation was filed, including when possible links or references to specific actions taken or rules issued by the Commission

Many of these elements of information could be drafted by the relevant CAC subcommittee chair in consultation with the CAC chair and Designated Federal Officer (and would not have to reflect any official FCC statement of policy or position).

2. **Follow-up on Recommendations with Inquiries to the Commission and its Staff.** The FCC should adopt and approve a system in which at a certain interval (such as four weeks) prior to each CAC meeting, a “follow-up inquiry” is sent to each relevant FCC Bureau or staff member to seek a status report on previously submitted CAC recommendations. For example, if the CAC makes a recommendation to the Commission that it adopt rules about a particular form of relay service, then prior to subsequent CAC meetings an inquiry should be made to the appropriate FCC bureau or staff about the status of any FCC actions (if any) on the recommendation. The CAC should work with the CGB and the FCC General Counsel’s office to ensure that the procedure for inquiries and responses is consistent with the Commission’s “ex parte” rules governing communications with the Commission in certain restricted proceedings.
3. **Initiate Regular Dialogue with the FCC’s Chairman or his/her Staff.** At the outset of each CAC meeting, the Chairman or an appropriate staff member from the office of the Chairman should address the Committee, so as to (a) provide feedback on the Committee’s work, (b) provide a window into the Chairman’s substantive policy agenda, and (c) enable dialogue about particular recommendations made by the Committee. Such interaction between the CAC and the Chairman’s office would better ensure that the concerns and recommendations of the CAC are understood at the highest levels of the Commission, and would better enable the CAC to focus on the issues that are “on the front burner” for the Commission.
4. **Provide Guidance and Requests from the Commission and/or Individual Commissioners.** To maximize the relevance and usefulness of the CAC’s work, the Commission and/or individual Commissioners should provide to the CAC concrete guidance and specific requests, to indicate to the Committee what topics or issues the Commission thinks would benefit from CAC input. For example, if the Commission knows that in the coming year it must make a “public interest” determination about a particular rule or area of regulation, the Commission can request that the CAC consider the general topic and provide input into the Commission’s decision making process. Such guidance or requests would help to ensure that the CAC analyzes and considers questions that have very high relevance to the on-going work of the Commission. Although requests for input from the Chairman or the Commission as a whole would be very important in helping the CAC set its own agenda of work,

requests for input from individual Commissioners would also provide vital guidance to the CAC.

5. **Attendance of Relevant Commission Staff Members at CAC Meetings** – To enhance the value of the CAC and to increase the dialog between the CAC and the commission, staff members with particular expertise on topics under discussion by the CAC should attend CAC meetings. For example, when the CAC addresses a disabilities rights issue, the appropriate staffer from the Disabilities Rights Office and/or other relevant bureaus or offices should attend.

The Consumer Advisory Committee believes that its efforts can make important contributions to the rule- and policy-making work of the Commission. We believe that the implementation of the above recommendations would significantly increase the effectiveness, relevance, and visibility of the CAC's work, and thus, in turn, would maximize the Committee's ability to serve and represent the interests of consumers and communications users across America.

Debra Berlyn  
Chairperson, Consumer Advisory Committee

Reaffirmed and Adopted: November 2, 2007